

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

United States of America

v.

Danielle Marie Marceau  
*aka* Danielle Marie ComesAtNight

Case No. MJ-20-52-GF-JTJ

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Mark Dixon, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been employed as such since June 2006. I am currently assigned to the Salt Lake City Division of the FBI and work out of the Shelby, Montana, Resident Agency (RA). In that capacity, my primary responsibility is to investigate violent crimes on the Blackfeet Indian Reservation.

2. I make this affidavit in support of a criminal complaint against Danielle Marie Marceau *aka* Danielle Marie ComesAtNight (“Marceau”) for the crime of Murder, in violation of 18 U.S.C. §§ 1153(a) and 1111.

3. The information contained in this affidavit comes from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. Because this affidavit is being submitted for the limited purpose of filing a complaint, I have not included each and every fact known

to me concerning this investigation. I have set forth only those facts I believe are necessary to establish probable cause to believe that Marceau committed the crime of Murder.

### **Background of Investigation**

4. On June 2, 2020, I responded to a crime scene in which the body of victim Waylon Lee Mittens was located by Blackfeet Law Enforcement Services (BLES) subsequent to a welfare check. Family members of Mittens requested that BLES conduct a welfare check of Mittens as they were not able to contact him in multiple days. BLES, upon approaching the home in Glacier Heights, Browning Montana, the residence of Mittens and Marceau, immediately noticed a smell which was described as a decomposing body. BLES gained access to the residence with assistance from Blackfeet Housing Security and discovered the body of Mittens.

5. Mittens was located in an alcove of the home which was described as the laundry room. Mittens, who was normally in a wheelchair due to a leg amputation, was slumped over in a large pool of blood with his wheelchair pushed across the room. A sheet was draped over Mittens body and there was evidence that some attempts at cleanup had been conducted.

6. The residence where the homicide took place, is located in the Glacier Heights neighborhood, and is leased by Blackfeet Housing to Danielle Marceau. Mittens and Marceau were in a relationship and they lived together in the home, in

Browning, Montana, within the exterior boundaries of the Blackfeet Indian Reservation.

7. On June 2, 2020, law enforcement began receiving 3<sup>rd</sup> and 4<sup>th</sup> hand information that Marceau was involved and was considering turning herself in. Then on June 3, 2020, BLES received source information that Marceau was responsible for the death of Mittens.

8. On June 3, 2020, BLES arrested Marceau based on a tribal warrant. The location where Marceau was located and arrested was at her mother's house in a different neighborhood of Browning.

9. On June 3, 2020, Marceau was questioned by Special Agents of the FBI. During the interview, Marceau made several incriminating statements. At one point she said, "I did it" and later said "I knew this was coming, I knew you guys were coming" and later said "I stabbed him." On May 30, 2020, Marceau and Mittens had been together and fighting during the day. They arrived back at their home sometime around 12:30am on May 31, 2020 and they were still fighting. Sometime between 12:30am and 2:00am, Mittens was stabbed. Marceau said that she was acting in self-defense.

10. During the interview Marceau also stated that she wasn't sure what became of the knife she used to stab Mittens.

11. Following the initial investigation on June 2, Mittens body was transported to the Montana State Crime Lab in Missoula, Montana for an autopsy. Initial information from the autopsy (at time of this writing the autopsy report has not been finalized) indicates that a blade of approximately 9 inches was used to stab Mittens and the blade pierced both lung and heart.

12. At the time of this writing, the homicide weapon has not been located.

13. In a prior incident on May 2, 2020, BLES officers responded to a domestic dispute call at the Marceau/Mittens residence. This incident, which was video recorded by Mittens, showed Marceau strike Mittens several times while he was sitting in his wheelchair. The video was provided to BLES and Marceau was arrested.

14. Based on the information above, I have probable cause to believe that Danielle Marie Marceau, an Indian person, within the exterior territorial boundaries of the Blackfeet Indian Reservation, Murdered Waylon Lee Mittens, also an Indian person.

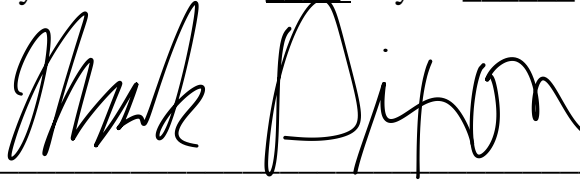
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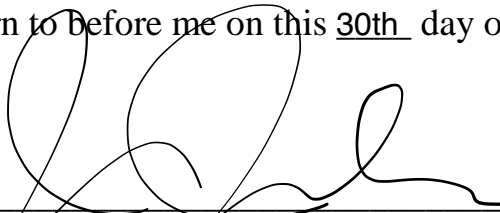
15. Prior to submitting this complaint, I consulted with Kalah Paisley, Assistant United States Attorney for the District of Montana, and she concurs with this request.

Respectfully submitted this 30th day of June 2020.

A handwritten signature in black ink, appearing to read "Mark R Dixon", written over a horizontal line.

MARK R DIXON,  
Special Agent, Federal Bureau of Investigation

Subscribed and sworn to before me on this 30th day of June 2020

A handwritten signature in black ink, appearing to read "John Johnston", written over a horizontal line.

HON. JOHN JOHNSTON  
United States Magistrate Judge